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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR                 | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------------------|---------------------|------------------|
| 09/992,921      | 11/05/2001  | Astrid Mathilda Ferdinanda Dobbelaar | NL 000574           | 6980             |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

JONES, HEATHER RAE

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,921

Applicant(s)

DOBBELAAR, ASTRID MATHILDA  
FERDINANDA

Examiner

Heather R. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/5/01, 4/29/02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagano et al. (U.S. Patent 6,240,240).

Regarding claim 1, Nagano et al. discloses a method of composing a list of TV or radio programs from a given transmission schedule of the programs, comprising the steps of: (a) selecting a program from the schedule and adding it to the list (abstract), (b) graphically representing the programs of the list as bars over a timeline, the length and position of each bar corresponding to the duration and time of transmission of the corresponding program (Figs. 15A and 15B), (c) selecting a program and removing it from the list, if necessary, (col. 10, lines 14-19), (d) repeating steps (a), (b), and (c) until the list is complete (Figs. 15A and 15B show multiple recordings).

Regarding claim 2, Nagano et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the method is characterized in that a priority is assigned to some or all of the programs on the

list, and programs or parts of programs overlapping in time are processed according to their priorities (Fig. 4).

Regarding claim 5, Nagano et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the method is characterized in that the list is used to control the recording of programs on a recording device (abstract).

Regarding claim 6, Nagano et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the method is characterized in that the list is used to control the display of programs on an audio and/or video reproducing device (Fig. 4 – once the one recording is stopped and the next one is started the display will change accordingly).

Regarding claim 7, Nagano et al. discloses a controller for an audio and/or video recording and/or reproducing device, including a memory for storage of the schedule of available TV or radio programs (8), an input device allowing a user to enter selections (4), a display unit for graphically representing programs of a list of programs (Figs. 15A and 15B), the controller being adapted to execute a method according to claim 1, in order to compose a list of programs, control the audio and/or video recording and/or reproducing device so as to process the programs according to the list (abstract).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano et al. (U.S. Patent 6,240,240).

Regarding claim 3, Nagano et al. discloses all the limitations previously discussed with respect to claim 2, except that the method characterized in that the values of the priorities are automatically initialized according to the sequence in which the programs are added to the list. Official Notice is taken that priorities are automatically initialized according to the sequence in which the programs are added to the list. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatically initialized priorities according to the sequence in which the programs are added to the list because there are several different ways to prioritize recordings. For example, priorities may be supplied by the user or assigned by the apparatus based on a user profile, as in the case when the user has previously shown more interest in news programs than in sports programs, the system may assign a higher priority rating to the first category.

Regarding claim 4, Nagano et al. discloses all the limitations previously discussed with respect to claim 2, except that the method characterized in that

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overlapping programs of the list are visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority. Official Notice is taken that overlapping programs of the list can be visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have graphically displayed the overlapping programs of the list visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority in order to clearly display to the user the overlapping portions of the different programs.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

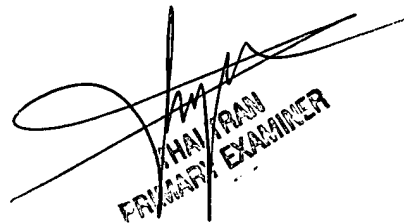
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Jones  
Examiner  
Art Unit 2616

HRJ  
March 17, 2006



HEATHER R. JONES  
PRIMARY EXAMINER